UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DEAN F. JERDING, ARTURO A. RODRIGUEZ, ROBERT O. BANKER, BINDU CRANDALL, and VALERIE GREW GUTKNECHT

Appeal 2007-2466
Application 09/693,288
Technology Center 2600

Decided: November 28, 2007

Before JOSEPH F. RUGGIERO, ANITA PELLMAN GROSS, and MAHSHID D. SAADAT, *Administrative Patent Judges*.

GROSS, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Jerding, Rodriguez, Banker, Crandall, and Gutknecht (Appellants) appeal under 35 U.S.C. § 134 from the Examiner's Final Rejection of claims 83 through 111, which are all of the claims pending in this application. We have jurisdiction under 35 U.S.C. § 6(b).

Appellants' invention relates to a method and system for providing a media service, such as an on-demand movie, to a user and for allowing the

user during the access duration for the media service to extend the access duration time. *See*, generally, Spec. 2:1-7. Claim 83 is illustrative of the claimed invention, and it reads as follows:

83. A method for providing a media service to a user via an interactive media services client coupled to a programmable media services server device, the method comprising:

receiving, by the interactive media services client, a movie identification identifying an on-demand movie without a scheduled broadcast time;

assigning an access duration having a first value to the movie, responsive to receiving the movie identification, the access duration associated with the interactive media services client;

receiving, by the interactive media services client during the access duration, at least a portion of the on-demand movie from a server located remotely from the interactive media services client;

receiving, by the interactive media services client during the access duration, a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value specified by the user; and

enabling, by the interactive media services client, the user to access the on-demand movie during the extended access duration, responsive to receiving the first user input.

The prior art references of record relied upon by the Examiner in rejecting the appealed claims are:

Lett	US 5,592,551	Jan. 07, 1997
Goode	US 6,166,730	Dec. 26, 2000
White	US 6,628,302 B2	Sep. 30, 2003

Claims 83 through 86, 91, 93 through 99, and 105 through 111 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Goode.

Claims 87, 88, 90, 100, 101, and 103 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of Lett.

Claims 92 and 104 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of White.

Claims 89 and 102 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Goode in view of Lett and White.

We refer to the Examiner's Answer (mailed June 27, 2006) and to Appellants' Brief (filed June 6, 2006) for the respective arguments.

SUMMARY OF DECISION

As a consequence of our review, we will reverse both the anticipation rejection of claims 83 through 86, 91, 93 through 99, and 105 through 111 and also the obviousness rejections of claims 87 through 90, 92, and 100 through 104.

OPINION

Independent claims 83 and 96 each recite identifying a movie, assigning an access duration to the movie, and enabling the user "to extend the access duration." Appellants contend (Br. 7) that the claimed extension of "the access duration" "refers to extending access to the identified movie presentation, the one that has already been partially received." The Examiner, on the other hand, asserts (Ans. 4) that if during an access period for a movie a user purchases a second copy of the same movie, thereby having access to the title past the end of the initial access duration, the user

has extended the access duration. The issue, therefore, is whether "access duration" refers to the movie title or to the particular presentation of the movie.

Appellants state (Spec. 2:5-7) that "a media rental ha[s] a defined rental access duration" and that when the user requests that "*the* access duration be extended," "*the* time period during which the user has access to *the* media rental" is extended. (Emphasis ours.) Thus, according to Appellants' Specification, an access duration refers to a particular rental of a movie, not to the access time for the movie title. In addition, claim 83 recites assigning an access duration to a movie, "responsive to receiving the movie identification." Since ordering a second copy of a movie requires identifying the movie again, a user's second rental of a particular title would be assigned its own access duration responsive to the identification. Similarly, in claim 96, ordering a second copy of a movie would lead to receipt of a movie identification and another access duration, whereas a later limitation of the claim calls for extending "*the* access duration." Thus, the second rental period would be an independent access duration, not an extension of the first access duration. Accordingly, we cannot sustain the anticipation rejection of claims 83 through 86, 91, 93 through 99, and 105 through 111.

Further, since the Examiner has not relied upon Lett or White for extending the access duration of a movie rental, and we find no disclosure in either reference of extending the access duration of a movie rental, neither Lett nor White nor the combination cures the deficiency of Goode. Consequently, we cannot sustain the obviousness rejections of claims 87 through 90, 92, and 100 through 104.

ORDER

The decision of the Examiner rejecting claims 83 through 86, 91, 93 through 99, and 105 through 111 under 102(e) and claims 87 through 90, 92, and 100 through 104 under 35 U.S.C. § 103 is reversed.

REVERSED

tdl/gw

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